

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

 Plaintiff

 -against-

ANDREW SEIBERT,

 Defendant.

16 Cr. 64 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

Mr. Seibert's violation of supervised release hearing was scheduled for this morning at 10:00 a.m. The defense agreed to proceed telephonically. It was expected that Mr. Seibert would admit to one or more of the specifications and proceed directly to sentencing. When the Government, the Probation Officer, defense counsel, the court reporter, and the Court convened, the parties had an off-the-record conversation about defense counsel's difficulty in contacting Mr. Seibert. Defense counsel requested, and the Court granted, ten minutes for counsel to locate Mr. Seibert. The participants were instructed to call back ten minutes later.

When the participants re-convened, the Court commenced an on-the-record conversation where defense counsel stated that he had still been unable to locate Mr. Seibert, and both counsel discussed whether a bench warrant should be issued or Mr. Seibert given one last chance to appear voluntarily. Eventually, based on Mr.

Seibert's numerous failures to abide by the terms and conditions of his supervised release and the danger to the community he poses by repeatedly driving while under the influence of drugs, the Court ordered that a bench warrant be issued.

It was only after the call ended that the Court realized that the court reporter had not called back in, and, therefore, there was no record of the proceedings. Thus, the Court issues this order to memorialize the proceedings.

SO ORDERED.

Dated: New York, New York
January 25, 2021



LORETTA A. PRESKA
Senior United States District Judge